



**U.S. Department of Justice**

*United States Attorney  
District of Massachusetts*

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Main Reception: (617) 748-3100

United States Courthouse, Suite 9200  
1 Courthouse Way  
Boston, Massachusetts 02210

January 24, 2006

BY FACSIMILE TO 413 739-0446 AND BY HAND

Alan Black, Esq.  
1383 Main Street  
Springfield, MA 01103

Re: United States v. Robert A. Fafard  
Criminal No. 04-40027-FDS

Dear Mr. Black:

Pursuant to Fed. R. Crim. P. 16 and Rules 116.1(C) and 116.2 of the Local Rules of the United States District Court for the District of Massachusetts, the government provides the following discovery.

In a letter dated October 19, 2005, we advised you that we expected to call in our case-in-chief a witness to testify, in substance, that the current state of the art in computer animation is insufficient to create "realistic" full-motion video clips of any appreciable duration of children engaged in sexually explicit conduct using only "computer-generated" people.

We hereby notify you that the governments intends to ask the expert to opine on a number of still images as well (in particular, the two images which are the subject of the transportation counts in the Indictment); that is, that the current state of the art in computer animation is insufficient to create "realistic" still image of children engaged in sexually explicit conduct using only "computer-generated" people. The qualifications and curriculum vitae of the expert will be provided as soon as she or he is identified.

Enclosed is the cv of Lam D. Nguyen. The government expects to call Mr. Nguyen during its case-in-chief. It is expect he will testify about metadata and other information in Fafard's computers, such as: how Fafard communicated with the UC and how he transmitted files to the UC; how Fafard connected to the

internet; how Fafard's computer was organized; what settings were installed to create default directories, etc.; information contained in the bios clock relating to when files were created, modified, and transmitted; Fafard's web browsing activity, including queries related to the UC's locations in Ohio and Rhode Island; and evidence of using web-based map software, such as Mapquest.

Please call the undersigned at 508 368-0105, if you have questions.

Very truly yours,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/David Hennessy  
David Hennessy  
Assistant U.S. Attorney

Enclosures

cc: Martin Castles (w/o enclosures)  
Clerk to the Honorable F. Dennis Saylor, IV